IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1220 OF 2005

Dr.Subhash Mahatekar ...Petitioner

Versus

Shamlal @ Shamsingh & Ors. ...Respondents

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Mr.Tejas D.Deshpande for Petitioner.

Ms.S.V.Gajare, A.P.P. for Respondent No.8.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 16, 2005.

P.C.

1. Heard. The grounds raised before this Court can be effectively answered by the Revisional Court.

2. As alternative efficacious remedy is available to the Petitioner by way of revision before the Sessions Court in view of the decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778**, and unreported decision of this Court in **Criminal**

Writ Petition No.1023 of 2005 dated 8th December 2005 in the case of Chetan R.Nagda & Ors. vs. N.D.Pawar & Anr., Counsel for the Petitioner fairly prays for withdrawal of the Petition with liberty to take recourse to remedy of revision. Hence, dismissed as withdrawn with liberty as prayed. All questions are left open.

3. The Petitioner to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Petitioner. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

4. In case, there is any delay in filing Revision Application, Court will take into account the fact that the Petitioner had first approached this Court, which period may be excused in computing delay.

5. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.